

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:24-cv-21463-RKA

NEREYDA SUHEY CASTILLO MARENCO,

Plaintiff,

vs.

J.C. PAINTING CONTRACTOR LLC,  
MARIA GONZALEZ and  
TOMAS GONZALEZ SOTELO,

Defendants.

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**UNSWORN DECLARATION OF TODD W. SHULBY**  
**PURSUANT TO 28 U.S.C. SECTION 1746**

I, Todd W. Shulby, declare that I am over eighteen years of age, that I am *sui juris* and that I make this declaration from personal knowledge. I further state as follows:

1. I am an attorney licensed to practice law in the State of Florida and in the United States District Court for the Southern and Middle Districts of Florida. I have been licensed to practice law in Florida since 1995.
2. I am lead counsel for Defendants in the above-captioned action.
3. I have been handling FLSA actions since 1996, representing both plaintiffs and defendants. In the course of my practice, I have been counsel of record in countless FLSA actions, including cases resolved on summary judgment and at trial. Now, I primarily represent defendants but over the years have represented both plaintiffs and defendants.
4. My normal billing practice is to bill clients for time expended in one-tenth hour increments.
5. My hourly rate in this case charged to the Defendants for legal services is \$300.00

per hour. This rate is within the range of the prevailing market rates for fee awards in cases of this type.

6. On or about June 7, 2024, Plaintiff produced 34 pages of documents to Defendants via DropBox. In Plaintiff's Rule 26 Initial Disclosures on July 1, 2024, Plaintiff referred to the same 34 documents.

7. The Defendants served an Offer of Judgment on July 23, 2024, offering Plaintiff \$12,000 for fees and costs. The offer was not accepted.

8. The undersigned's research on PACER found that from January 1, 2022 until August 21, 2024, Plaintiff's counsel has been the attorney of record in 77 cases in the Southern District of Florida and 14 in the Middle District of Florida. Plaintiff's counsel represented the defense in approximately 9 of those 91 cases (less than 10%) over the 2.5 years reviewed. In the undersigned's opinion, it would be difficult for a solo practitioner or small firm to be competitive in this market while attempting to charge \$500/hr. to defense clients in FLSA cases.

9. I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

  
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TODD W. SHULBY

8/28/24  
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DATE